

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Clerk's Minutes  
Before the Honorable James O. Browning

**CASE NO.** CV 16-00878-JB-JHR      **DATE:** 6/21/18

**TITLE:** *New Mexico Health Connections v. United States Department of Health and Human Services et al*

**COURTROOM CLERK:** C. Bevel      **COURT REPORTER:** J. Bean

**COURT IN SESSION:** 8:32am-10:04am      **TOTAL TIME:** 1 HOUR 17 MIN  
10:28am-11:17am

**TYPE OF PROCEEDING:** [57](#) MOTION to Alter Judgment *Pursuant to Fed. R. Civ. P. 59(e)*, [61](#) MOTION to Strike [57](#) MOTION to Alter Judgment *Pursuant to Fed. R. Civ. P. 59(e)*

**COURT RULING:** Taken under advisement

**ATTORNEYS PRESENT FOR PLAINTIFF(S):**      **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Barak A Bassman, Nancy Long      Jim Powers

**PROCEEDINGS:**

8:32pm Court in session, counsel enter appearances.

8:34am Court addresses counsel, Court is not persuaded, opinion in draft that will deny Motion to Alter Judgment. Inclined not to grant the Motion to Strike.

8:36am Mr. Powers argues in support of Motion to Alter Judgment.

8:42am Mr. Bassman responds.

8:50am Mr. Powers responds.

8:58am Mr. Bassman responds.

9:09am Mr. Powers responds.

9:25am Mr. Bassman finishes argument on merits.

9:36am Court addresses counsel regarding looking at judgment fund to pay out when no appropriation.

9:40am Mr. Powers responds, addresses equities of matter.

10:04am Court in recess.

10:28am Court in session.

10:28am Court addresses Mr. Powers.

10:29am Mr. Powers responds.

10:36am Mr. Bassman responds on the vacatur issue.

10:46am Mr. Powers responds.

10:53am Mr. Bassman gives limited vacature, remand issue.

10:54am Mr. Powers responds briefly.

10:55am Court addresses counsel regarding Motion to Strike. Inclined to keep Mr. Wu's declaration in and indicate in opinion what the Court will consider and not consider.

10:56am Mr. Bassman responds.

11:06am Mr. Powers responds with final comments.

11:08am Mr. Bassman responds nothing further.

11:09am Court inquires about Mr. Bassman's request for some discovery.

11:09am Mr. Bassman responds, would request deposition of Mr. Wu if court inclined go into fact finding.

11:10am Court responds.

11:11am Mr. Bassman would maintain request for some discovery.

11:12am Mr. Powers would object to any discovery.

11:12am Court will take matters in advisement, opinion to be issued soon. Court will go back and look in more detail the GAO Red Book, regarding appropriations argument. Court will try to have opinion by the end of this summer.

11:17am Court in recess.